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SUBJECT: BURUNDI UPDATE - OCTOBER 2007

Classified By: Political Officer Matthew Garrett for reasons 1.4(b) and (d).

¶1. (U) SUMMARY: The following is an update of outstanding issues of events of interest in Burundi:
-- Truth and Reconciliation Commission
-- Musinga massacre
-- upcoming legislation on women's issues
-- justice reform
-- refugees and returnees
-- Hussein Radjabu
-- East African Community integration
END SUMMARY

Truth and Reconciliation Commission

¶2. (U) UNHCHR told a group of NGOs and diplomats on October 3rd that the Truth and Reconciliation Commission (TRC) will not be operational until late 2008 or early 2009. A steering committee (comite de pilotage) is being set up consisting of two GOB officials, two UN personnel, and two civil society members. Their task is to set up broad, nationwide "national consultations" to see what form the TRC and possible Tribunal will take. The committee will undertake consultations in January 2009 and continue them for six months. At the conclusion of their research, the committee will face a three month deadline to organize their data and draft a report to present to the Government of Burundi (GOB). The UN is currently negotiating a written agreement with the GOB to formally constitute the committee.

¶3. (U) Asked whether this timetable runs the risk of heightening ethnic tensions in the run-up to the 2010 elections, a UN representative replied that the TRC "will take the time that it takes." UNHCHR representative Ismael Diallo added "will there ever be a good time?" The UN representative continued that there will definitely need to be a period of "sensibilization" (public information campaign) before the TRC can begin its work. Civil society appears to be divided on the timing issue. One HR NGO representative indicated he would like the TRC to begin its work quickly to help stamp out public sentiment that impunity is pervasive in Burundi. Other civil society members say real peace and security must be achieved in Burundi before the TRC can effectively carry out its work without re-animating ethnic friction.

Musinga Massacre

¶4. (U) The UN reports that the GOB has still not published a

promised written report detailing responsibility for the extrajudicial killings of detainees thought to be PALIPEHUTU-FNL sympathizers in the northeast province of Muyinga. The two soldiers arrested in November 2006 in connection with the killings are still in prison, and have not been tried. The UN has determined that there were no civilians among the perpetrators - all those involved were military. In August, the Commander of the Fourth Military Region (location of the massacre), long suspected of direct involvement in the murders, was relieved of his command. He is presently in Bujumbura, and at liberty.

Legislation

15. (U) A bill to reform inheritance laws for women is currently stalled in the National Assembly, but activists remain committed to having the bill passed. Civil society is pushing back on the Government's preference for a period of public consultation before the bill comes to the National Assembly. Although civil society members believe that the public will reject the proposed change, many still prefer that legislators pass the unpopular reforms. A women's group speaking to the UNHCHR argued that the existence of a law will reinforce the efforts of activists to defend the rights the constitution gives to women.

16. (U) A bill to reform the penal code is currently before the National Assembly. In 2005 the UN helped the Ministry of Justice draft the code with UN financing. The bill was introduced in the last National Assembly session, but like most of the docket, it was never read. Among other reforms, the new penal code will abolish the death penalty; ban war crimes, torture, and genocide; provide alternative penalties to imprisonment such as social service; and introduce the concept of financial crimes. A draft bill to develop a code of procedure is still in the works. The new procedural code would reportedly raise the age of legal majority from 13 to 15, create a special court for minors, and require social services to reform and reintegrate juvenile offenders.

Justice

17. (U) Two projects jointly financed by the GOB and the UN will construct or rehabilitate more than 30 courtrooms in the interior of the country. The project is intended to aid citizens tired of waiting for implementation of court rulings in their favor. Strengthening the court's ability to implement judicial decisions will help work off the huge backlog of cases where the court has made a judgment but the beneficiary has never received the court-ordered relief from the other party. Also, the projects will provide assistance to courts so that judges and officers of the court can travel to obtain "instructions sur le terrain," or information necessary to process other cases awaiting rulings. The GOB has committed USD 700,000 to the project and the UN USD 800,000.

Refugees and Returnees

18. (U) After the latest transfer of over 1400 Congolese refugees from Bujumbura, the new refugee camp at Musasa holds more than 6000 refugees. Since January 2007, Burundi has seen an influx of over 8,800 refugees from the Kivu region of the Democratic Republic of Congo. UNHCR is looking for alternative sites in Rutana and Makamba to relieve the increasing pressure in the current camps. The UNHCR is also reporting a reduction in the severity and gravity of human rights abuses linked to the recent influx of Congolese refugees, partially due to the attention given to the problem by civil society. The UN expects the October National Assembly session to consider a bill on protection of refugees drafted in 2005. It will open the way for creating a

government structure to welcome and process refugees.

¶9. (U) More than 10,500 Burundi refugees have returned to Burundi from Tanzania since the beginning of the year. UNHCR recorded a large increase in the number of returnees once they began offering a 50,000 Burundian Franc (USD 45.45) stipend and an increase in rations from four months to six months' supply, beginning in July. The next Tripartite meeting between the Government of Tanzania, the GOB, and UNHCR will take place at the end of November.

Radjabu

¶10. (C) In a recent conversation with a high ranking BINUB representative, the Charge inquired about the status of Hussein Radjabu and his right to due process. The representative responded that the GOB finds itself in a situation where it is afraid to let him go, but it does not have enough evidence to prosecute him. The representative continued, "The GOB is now negotiating the terms under which he will step down from his position of influence in the CNDD-FDD party. Then the government can release him."

East African Community

¶11. (U) Ministers from Uganda, Tanzania, and Kenya, charged with heading their country's delegations to the East African Community (EAC), visited Burundi October 1-5 to assess Burundi's preparation for joining the regional organization. The delegation will visit organizations greatly impacted by the regional integration, such as Burundi brewery BRARUDI and the Port Authorities of Bujumbura. During an October 4 briefing in Bujumbura, the leader of the Tanzanian delegation told members of the press and diplomatic corps that a temporary office will open this year in Bujumbura, during which time EAC officers will work with Burundi officials in preparation for full Burundi participation in the EAC.

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